

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE ORGANOGENESIS SECURITIES
LITIGATION

Case No.: 1:04cv10027-JLT

LEAD PLAINTIFFS' UNOPPOSED MOTION TO SERVE THIRD PARTY SUBPOENAS

Pursuant to this Court's Discovery Order that "[n]o additional discovery shall take place without further order of the court," Plaintiffs respectfully move this Court for leave to serve subpoenas *duces tecum* upon Bernard Marden and former Defendant Alan Ades. Plaintiffs also seek leave to serve a subpoena *ad testificandum* upon Alan Ades in the event that Plaintiffs determine, after service of the subpoenas *duces tecum*, that such deposition is warranted. This Court previously granted leave for Plaintiffs to depose Bernard Marden. *See* Order dated April 26, 2006 at ¶ 2 (Dkt. No. 115).

As grounds for this motion, Lead Plaintiffs state that Alan Ades served as Chairman, President and Chief Executive Officer of Organogenesis following the end of the Class Period on or about October 2002. Amended Complaint at ¶ 28 (Dkt. No. 58). He is also a member of the group of investors who took Organogenesis private through a leveraged acquisition in bankruptcy. *Id.* Therefore, he is likely to have information and documents centrally "relevant to disputed facts alleged with particularity in the pleadings." Discovery Order dated June 5, 2006 (Dkt. No. 122). Bernard Marden served as director of Organogenesis and was one of the Company's private investors during the Class Period. As such, he too is likely to have information and documents centrally "relevant to disputed facts alleged with particularity in the pleadings." *Id.*

WHEREFORE, Lead Plaintiffs respectfully request this Court grant leave for them to serve subpoenas *duces tecum* upon Alan Ades and Bernard Marden and, as deemed appropriate by Plaintiffs, a subpoena *ad testificandum* upon Alan Ades.

Dated: December 19, 2006

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans
Nancy Freeman Gans, BBO #184540
55 Cleveland Road
Wellesley, MA 02481
Telephone: (781) 235-2246

*Liaison Counsel and Local Counsel for
Plaintiffs and the Class*

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**

Sanford P. Dumain
Ariana J. Tadler
Peter Seidman
Peter Sloane
One Pennsylvania Plaza
New York, NY 10119
(212) 594-5300

Lead Counsel for Plaintiffs and the Class

CERTIFICATION PURSUANT TO LOCAL RULES 7.1 AND 37.1

I, Nancy Freeman Gans, hereby certify that I conferred via email on December 18-19, 2006, concerning the above motion with Peter Kolovos, Esquire, Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants Donna Abelli Lopolito, Michael Sabolinski, Philip Laughlin, and Albert Erani; with Peter Saparoff, Esquire, Mintz, Levin, Cohn, Feris Glovsky and Popeo, P.C., counsel for Defendant Herbert M. Stein; and Sara Jane Shanahan, Esquire, Griesinger, Tighe & Maffei, LLP, counsel for Defendant John J. Arcari. Defendants assent to this Motion.

/s/ Nancy Freeman Gans
Nancy Freeman Gans

CERTIFICATE OF SERVICE

I, Nancy Freeman Gans, hereby certify that a true copy of the above document was served upon the attorney of record for each party via ECF.

/s/ Nancy Freeman Gans
Nancy Freeman Gans